



Congressional Affairs

Legislation of the 90th Congress Relating to International Law and Foreign Relations

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The 90th Congress was notable for several achievements. The Senate consented to the ratification of the first bi-lateral pact ever negotiated with the Soviet Union—the controversial Consular Convention.¹ The Senate also consented to the ratification of the first treaty on transnational judicial procedure ever signed by the United States—the Convention on the Service of Judicial and Extra Judicial Documents in Civil or Commercial Matters² drafted by the Tenth Session of the Hague Conference on Private International Law in October 1964. In the same category, the 1958 UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards³ was approved for accession.

Among 39 other international agreements approved were the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies⁴ and the Astronaut Assistance and Return Agreement.⁵ The Protocol of Buenos Aires, amending the Charter of the Organization of American States⁶ was approved.

The old characterization of the Senate as the graveyard of treaties seems no longer apt.

Highlights of the First Session⁷ —1967

Disenchantment with the war in Viet Nam and with the results of

¹ Executive D, 88th Congress, 2nd Session. See p. 688 *infra*.

² Ex. C, 90-1. See p. 690 *infra*.

³ Ex. E, 90-2.

⁴ Ex. D, 90-1. See p. 692 *infra*.

⁵ Ex. J, 90-2. See p. 695 *infra*.

⁶ Ex. L, 90-1. See p. 696 *infra*.

⁷ For a summary of the session's activities, editorial comment, and analyses of the

the foreign aid program produced a growing isolationist sentiment during the session. Critics in the Senate led by Senator Fulbright, Chairman of the Foreign Relations Committee, argued for a greater voice for Congress in foreign affairs. In a statement added to a supplemental authorization bill (S. 665), Congress declared its support for efforts to prevent expansion of the war and to bring the conflict to an honorable conclusion. A resolution (S. Res. 180) urging the President to seek UN Security Council consideration of the Viet Nam war was unanimously adopted by the Senate on November 30.

The annual foreign aid authorization was cut to a record 20-year low, and the Congress voted to end, after fiscal 1968, the President's authority to make credit arms sales to underdeveloped countries. Congress refused to grant a Presidential request for a two-year foreign aid authorization extending through fiscal 1969. In April, Congress refused to make an advance commitment to increase Latin-American aid. The President had requested Congress to pass a resolution approving a substantial increase in aid prior to his departure for a meeting of Chiefs of State at Punta del Este, Uruguay. The Congress did, however, authorize an increase of \$900 million in the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank (H.R. 9547)

A rash of protectionist bills in the closing days of the session lost ground when the President threatened to veto any measure which would impose higher duties on imports.

President Johnson's request in his January 26, 1967, Economic Message to "expand our trade relations with Eastern Europe and the Soviet Union" met a cool reception. The mood of Congress was apparently expressed in a resolution introduced by the then Chairman of the Republican Conference, Rep. Melvin R. Laird, the new Secretary of Defense. The resolution urged the Administration not to consider expanding trade with the Communist bloc until its policy toward Viet Nam changes.

An increasing concern over the extent of U.S. foreign commitments became evident. The Senate Foreign Relations Committee approved a resolution introduced by Chairman Fulbright (S Res. 187) declaring the "sense of the Senate" that no future commitment of U.S. forces to hostilities abroad would be made without "affirmative action"

treaties, bills and resolutions considered by the first session, see 1967 Congressional Quarterly Almanac, (Vol. XXIII).

by Congress. Debate involved constitutional issues of the separation of powers and the authority of the President to make foreign commitments and wage war without Congressional approval. The commitments issue arose from a feeling of frustration over the lack of a voice in the conduct of the war in Viet Nam and over the breadth of interpretation of the 1964 Gulf of Tonkin Resolution, which the Administration relied upon as authority for military involvement in Viet Nam. Past military action in Korea and the Dominican Republic and the Bay of Pigs fiasco cast uncertainty over the necessity of specific Congressional authority. Although Secretary Rusk had told a Senate Preparedness Sub-Committee in 1966 that Congressional declarations of war were not "outmoded," Under Secretary Katzenbach stated on August 17, 1967, at a hearing on the Fulbright Resolution that a declaration of war as to Viet Nam was unnecessary and would misrepresent U.S. objectives.

In an August 27 report on foreign policy trends in Congress, the National Committee for an Effective Congress said, "Not since the Wilson Administration has any President been so rebuffed in foreign affairs as has Lyndon Johnson." Supporting this statement the report cited the Fulbright Resolution on U.S. commitments abroad, cuts in foreign aid, the Senate's refusal of advance authority for the President's proffer of aid at Punta del Este, pending resolutions calling for cutbacks in American forces in Europe, and Senate criticism of Administration action in the Congo.

Highlights of the Second Session⁸ 1968

The debate on Viet Nam continued into the second session, but attacks on the President's policy lessened with his announcement on March 31 of a peace initiative and the beginning of peace talks in Paris. No roll call of any significance on the Viet Nam issue was taken during the session. There appeared to be some falling off of interest in foreign affairs. Even the Alliance for Progress, one of the more popular foreign aid programs, was severely cut.

The \$1.8 billion voted for foreign aid was the lowest in the 21-year history of the program. Bills renewed a number of restrictions imposed by previous Congresses, such as a prohibition against the purchasing by recipients of aid of "sophisticated weaponry," a ban on aid to nations trading with North Viet Nam and opposition to the

⁸ See 1968 Congressional Quarterly Almanac (Vol. XXIV).

seating of Communist China in the UN.

The Senate delayed consideration of one of the major foreign policy accomplishments of the Johnson Administration—the Nuclear Non-proliferation Treaty. Opposition to ratification was brought on by the Soviet invasion of Czechoslovakia in August. Even after the election, President Johnson considered calling the Senate back to act on the treaty.

Summary of Legislative and other Activities

During the 90th Congress 18 bills and joint resolutions concerning foreign relations were approved. Additionally 2 concurrent resolutions, 5 Senate resolutions⁹ and 6 House resolutions¹⁰ relating to foreign affairs were approved. The Senate approved 3,511 nominations of Ambassadors, State Department and related agency officials, officers of the Foreign Service and representatives to international organizations.

Bills and Joint Resolutions

Foreign Aid Authorization, 1968

72—Public Law 90-137, approved November 14, 1967 authorizes \$2,674,614,000 for foreign aid for fiscal year 1968. Of this amount \$2,164,614,000 is for economic assistance and \$510 million for military assistance (including \$24,100,000 for NATO international headquarters). The act extends all aid programs for 1 year.

Interamerican Development Bank Act Amendments of 1967

H.R. 9547—Public Law 90-88, approved September 22, 1967 authorizes a \$900 million contribution of the United States to the fund for special operations of the Inter-American Development Bank over a 3-year period at an annual rate of \$300 million. The act amends the Inter-American Development Bank Act of 1959 to authorize the U.S. Governor of the Bank, who is the Secretary of the Treasury, to vote for a resolution of the Bank's Board of Governors increasing by \$1,200 million the resources of the fund for special operations. The act authorizes the U.S. Governor, upon adoption of the resolution, to agree that the United States will pay \$900 million to the special fund in three

⁹ Summary of Activities of Committee on Foreign Relations, 90th Congress, Cong. Rec. October 12, 1968, S. 12799.

¹⁰ Survey of Activities of the Committee on Foreign Affairs, House of Representatives, 90th Congress (Committee Print) pp 45-47.

annual installments of \$300 million, pursuant to appropriation in the form of a letter of credit during fiscal years 1968-70. The payment is also to be subject to the further condition that in consideration of the U.S. balance-of-payments deficit any local cost financing with the funds so authorized be held to the minimum possible level. It provides that the voting power of the United States shall be exercised for the purpose of disapproving any loan which might assist the recipient country, directly or indirectly, to acquire sophisticated or heavy military equipment.

Naval Vessel Loans Extension

H.R. 6167—Public Law 90-224, approved December 26, 1967, provides the President with the authority to extend the existing ship loans for five years to Argentina, Brazil, Chile, Colombia, Germany, Greece, Korea, Portugal, Spain and Peru, and, at his discretion, the term may be extended for another 5 years.

The act also authorizes the President to lend two destroyers to Korea and one destroyer to the Republic of China.

Arms Control and Disarmament Act Amendments

H.R. 14940—Public Law 90-314, approved May 23, 1968 authorizes an appropriation for fiscal years 1969 and 1970 of \$18.5 million for the Arms Control and Disarmament Agency, and limits external research, exclusive of field test activities, to \$7 million for these years.

Foreign Aid Authorization, 1969

H.R. 15263—Public Law 90-554, approved October 8, 1968 authorizes \$1,974,050,000 for foreign assistance programs in fiscal 1969, of which \$1,599,050,000 is for economic assistance and \$375 million for military assistance.

Foreign Military Sales Act

H.R. 15681—Public Law 90-629, approved October 22, 1968, provides authority for the President to make sales of defense articles and services to friendly foreign countries.

It is estimated that cash sales during fiscal year 1969 will total \$816,000,000. The act authorizes \$296 million to finance credit sales of defense articles and services under standards and criteria established by the President.

Inter-American Development Bank—Increased Participation

H.R. 15364—Public Law 90-325, approved June 4, 1968, authorizes the U.S. Governor of the Inter-American Development Bank to vote in favor of a \$1 billion increase in the Bank's authorized callable capital stock. The U.S. Governor is also authorized to agree on behalf of the United States to subscribe this Nation's proportionate share of the increase, amounting to \$411,760,000.

Passport Law Changes

S. 1418—Public Law 90-428, approved July 26, 1968, provides that a passport shall be valid for 5 years without renewal unless the Secretary of State limits it to a shorter period. Under existing law, a passport is valid for a period of 3 years and may be renewed for a further period of 2 years.

The act provides for a uniform fee of \$2 for the execution of a passport application and a fee of \$10 for the issuance of the passport. This total cost of \$12 is the same as that for the present 3-year passport renewed for 2 years. The act also makes a technical change in the categories of persons eligible for no-fee passports and provides that they shall be exempt from paying an execution fee when the application is made before a Federal official.

Eliminates the necessity of successive personal appearances by individuals who have already been issued passports. Previously, each time an individual applied for a passport he had to appear personally before a person authorized to administer oaths in order to swear to the statements contained in his application for a passport.

Existing authority to withdraw or recall or otherwise invalidate passports heretofore or hereafter issued is not changed.

Treaties

The Senate approved resolutions of its advice and consent to ratification of or accession to the following international agreements; among others;

Consular Convention With France

Executive I (90th Cong., first sess.)—Resolution of ratification agreed to September 18, 1967

The Convention terminates and replaces the 1853 convention presently in force. It is accompanied by a protocol and two exchanges of notes.

The provisions of the convention are designed to formalize the understandings of the United States and France with respect to the treatment to be accorded consular personnel. They cover such matters as (1) the establishment of consular posts and the conduct of consular relations; (2) facilities for the performance of the functions of consular posts and privileges and immunities of the sending state and its consular personnel, including certain tax exemptions and customs privileges; and (3) the functions which a consular officer may perform and the authority of consular officers in the settlement of estates and in shipping matters.

The protocol to the convention provides that lands and buildings held by the sending state for the residences of members of its diplomatic or consular posts or for official information and cultural activities shall be exempt from taxes and similar charges. One of the exchanges of notes provides that, with respect to the official information and cultural activities referred to in the protocol, the United States will, subject to reciprocity, be exempt from all direct taxes of a personal nature in French territory. The other exchange of notes provides that the two Governments will take the necessary steps to arrive at a mutually satisfactory solution of the problem of certain back taxes claimed in the two countries from cultural centers and on real property used for consular purposes, as well as official information and cultural activities.

Consular Convention With The Soviet Union

Executive D (88th Cong., second sess.)—Resolution of ratification agreed to March 16, 1967

The Consular Convention with the Soviet Union covers the status of consular establishments, the duties and functions of consular officers, and the rights, privileges, and immunities of the consular personnel of each country stationed in the territory of the other. The convention does not authorize opening of consulates nor does it specify the number of consulates which may be opened, but it does provide the legal framework for the activity of accredited consular officers whether attached to an Embassy or to consulates which might be opened as a result of separate negotiations.

The convention follows the pattern of other bilateral consular conventions to which the United States is a party except this

convention and protocol contains two provisions relating to the protection of American citizens:

Requires a receiving state to notify consular officers of a sending state of the arrest or detention of a national of the sending state within 1 of 3 days from the date of arrest or detention depending on communication conditions.

Provides that consular officers of the sending state may visit and communicate with a national of the sending state who is under arrest or detained in custody by the receiving state within 1 to 4 days of the arrest or detention depending on his location and on a continuing basis thereafter.

For the first time in any consular agreement to which the United States is a party, this convention states that consular officers and employees of the sending state will be immune from the criminal jurisdiction of the receiving state. Thus, the provision extends to consular officers and personnel the same unrestricted immunity from criminal proceedings that is now enjoyed by Embassy officers and employees. In other consular conventions to which the United States is a party, the immunity granted consular officers and employees has been restricted to misdemeanors—this convention extends the immunity to felonies.

Specifies the right of the receiving state to declare consular officers *persona non grata* and consular employees unacceptable. Requires all persons enjoying immunity from criminal jurisdiction to respect the laws and regulations of the receiving state, including traffic regulations. If, after ratification of the treaty, the United States agrees to the opening of a Soviet consulate in the United States, officers and employees of the consulate will be subject to the same visa screening and entry controls as officers and employees of the Soviet Embassy in Washington. They will also be subject to the same travel restrictions as those which apply to diplomatic personnel. The convention also provides that consular officers and employees may be expelled.

The convention may be terminated on 6-month notice by either party.

Convention For The International Council For The Exploration Of The Sea

Executive H (89th Cong., second sess.)— Resolution of ratification agreed to March 1, 1967

The convention was signed at Copenhagen September 12, 1964. The Council is concerned with all fishery resources in the Atlantic Ocean, particularly the North Atlantic. Established in 1902 and the oldest international organization dealing with the study of the sea, the Council has been operating under so-called statutes, which the convention will replace when it enters into force. Present Council members are Belgium, Denmark, West Germany, Finland, France, Iceland, Ireland, Italy, Norway, the Netherlands, Poland, Portugal, Spain, Sweden, the United Kingdom, and the U.S.S.R. Canada is an applicant for membership. The United States is not now a member, but by acceding to the convention, it will resume its membership which began in 1912 and lapsed during World War II.

While the Council's functions are purely advisory, its purposes are to promote and encourage research and investigations for the study of the sea, particularly those related to its living resources, to draw up programs required for this purpose and to organize, and publish and disseminate the results of, necessary research and investigation.

Convention on Narcotic Drugs

Executive G (90th Cong., first sess.)—Resolution of ratification agreed to May 8, 1967

The Senate unanimously approved U.S. accession to the Single Convention on Narcotic Drugs, 1961, open for signature at New York, March 30 to August 1, 1961, along with the final act of the United Nations Conference at which the convention was adopted.

The convention is designed to terminate and replace the provisions of eight existing multilateral treaties, to simplify international narcotic control machinery, and to provide additional measures for the international control machinery, and to provide additional measures for the international control of narcotic drugs.

Convention on the Service Abroad of Judicial And Extrajudicial Documents

Executive C (90th Cong., first sess.)—Resolution of ratification agreed to April 14, 1967

The Senate unanimously agreed to the resolution of ratification of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed on behalf of the U.S. at The Hague on November 15, 1964.

This convention applies to the service abroad of judicial and extrajudicial documents in all civil and commercial cases. It was formulated and approved by representatives of 23 member countries at the 10th session of the Hague Conference on Private International Law which was held from October 7 to 28, 1964. In addition to the United States, the following countries have signed the convention: Belgium, the Federal Republic of Germany, Finland, France, Israel, the Netherlands, the United Arab Republic, and the United Kingdom.

The enactment of P.L. 89-619 revising the United States Judicial Code in its international aspects (particularly by the addition of Section 1696 and the amendment of Section 1781 of Title 28 U.S.C.) had a decisive influence on the drafting of the Convention. The President approved P.L. 89-619 just four days prior to the opening of the 10th Session of the Conference. The convention is an important step toward the international codification of a uniform law governing the service of judicial and extrajudicial documents abroad. It is in keeping with the spirit and purpose of the law on this subject which is presently in effect in the United States and it will provide increased protection (due process) for American citizens who are involved in litigation either in the United States or abroad.

Customs Convention on Containers

Executive J (89th Cong., second sess.)—Resolution of ratification agreed to March 1, 1967

This Convention requires member states to permit the temporary duty-free entry (generally 3 months) of large containers increasingly being used in international trade. These containers such as lift vans and movable tanks must meet specified structural and packaging standards, permitting their repeated use and easy handling. The Port of New York Authority estimates that container shipping will account for almost 75 percent of total ocean shipping within the next 10 years.

International Telecommunication Convention

Executive O (89th Cong., second sess.)—Resolution of ratification adopted April 18, 1967

The provisions of the First International Telecommunication Convention were drawn up in Madrid in 1932. That convention formed the International Telecommunication Union (ITU), the organization

which carries on negotiations among its members and coordinates the use of all forms of international telecommunications. At its first post-World War II meeting held in Atlantic City in 1947, the ITU voted to become a specialized agency of the United Nations and made arrangements to hold plenipotentiary conferences every 5 years to discuss possible revisions of the basic convention. Since that time, conferences have been held in Buenos Aires (1952), Geneva (1959), and Montreux (1965).

This International Telecommunication Convention, with annexes, and the final protocol were formulated at the Montreux Conference. Their main purpose is to replace the 1959 convention which the Senate approved in 1961. The Montreux Convention follows the pattern of the prior convention but contains a number of minor improvements, and several major modifications relating primarily to the functioning of the ITU and some of its organs.

Outer Space Treaty

Executive D (90th Cong., first sess.)—Resolution of ratification agreed to April 25, 1967

The Senate unanimously adopted the resolution of ratification of the treaty on outer space which is basically a blending of the language of the Antarctic Treaty of 1959 and the substance of two United Nations General Assembly resolutions.

The Antarctic Treaty was designed to assure international cooperation in the exploration of Antarctica and to reserve the continent exclusively for peaceful activity. To guarantee fulfillment of these objectives, inspection rights were granted by that treaty to all parties.

In October of 1963, the United Nations General Assembly, recognizing the potential for international competition and conflict in outer space, acknowledged the statement of the United States and U.S.S.R. that they would not orbit nuclear weapons and called upon all states to follow suit. This resolution was followed 2 months later by the General Assembly's Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. Paragraph 1 of this declaration established the principle, carried over into the treaty on outer space, that "... the exploration and use of outer space shall be carried on for the benefit and in the interest of all mankind."

Building on the record of international interest in the peaceful exploration of outer space, President Johnson, on May 7, 1966, proposed that discussion of a space treaty begin. In July of 1966, treaty

negotiations were undertaken at Geneva by the United Nations Outer Space Legal Subcommittee. After consideration of United States and Soviet draft treaties, agreement on the provisions of the present treaty was reached in December of 1966, and endorsed by the 21st session of the General Assembly on December 19, 1966.

Thus far, 79 countries have signed and submitted the treaty to the ratification process.

Provisions of the treaty: The outer space treaty consists of a preamble and 17 articles. The preamble sets forth the objectives of the parties and recognizes the common interest of all mankind in the peaceful exploration of outer space.

The first three articles stress the importance of freedom in the scientific investigation of outer space, guarantee free access to all areas of celestial bodies, and prohibit claims of sovereignty. The treaty also states the desirability that the parties share the benefits of space exploration, irrespective of their degree of scientific or economic development.

Article IV deals with the sensitive question of the obligation not to place in orbit around the earth vehicles carrying nuclear weapons or any other kinds of weapons of mass destruction, or to place such weapons on celestial bodies or station such weapons in outer space in any other manner. The inspection provisions of the treaty, as defined in articles I and XII, do not apply to orbiting objects.

Article V provides for the safe, unconditional, and prompt return of astronauts in the event of accident or other emergency. This article also obliges the parties to the treaty to report to the Secretary-General of the United Nations, and other appropriate international bodies, any condition in outer space that might endanger the life or health of astronauts. Article VI makes each state party to the treaty responsible for all its national space activities—whether conducted by governmental or nongovernmental entities. Article VII provides that the states party to the treaty are internationally liable for damage that space activities may cause. Under the terms of article VIII each state party to the treaty shall retain ownership of, and jurisdiction over, any object and personnel launched into outer space while they are in outer space or on a celestial body.

Article IX calls upon parties to the treaty to conduct their space activities in a spirit of international cooperation and to take steps to avoid the contamination of outer space and celestial bodies. Any state party may request appropriate international consultation if it has

reason to suspect that any activity may cause harmful interference with the peaceful exploration of outer space.

Article X provides that a state party to the treaty shall consider on an equal basis all requests for space tracking facilities. The conditions under which such facilities may be made available are to be determined by agreement between the states concerned. Article XI obligates the parties to inform the United Nations and the international scientific community "to the greatest extent feasible and practicable" of the results of national space activities.

Article XII defines inspection rights. These inspection privileges insure free access to installations and space vehicles on celestial bodies. It has been already noted that these inspection rights are limited to celestial bodies and do not apply to objects in orbit.

Article XIII provides that the treaty shall apply to all space activities the signatory countries may undertake even where these activities are carried on within the framework of international organization.

The remaining four articles of the treaty provide that the duration of the treaty is open ended, and that an amendment enters into force *for consenting states* when a majority of the parties have accepted it. Any state may give notice of withdrawal from the treaty any time after the treaty has been in force for 1 year. Such a withdrawal would take effect 1 year after notification. Finally, the treaty enters into force after five ratifications have been deposited, necessarily including those of the United States, the Soviet Union, and Great Britain.

Supplementary Slavey Convention

Executive L (88th Cong., first sess.)—Resolution of ratification agreed to November 2, 1967

The convention would supplement the 1926 Slavery Convention to which this country is a party, by dealing with conditions akin to slavery. The main purpose of the convention is the abolition of the incidents of slavery such as debt bondage, serfdom, involuntary marriage, the sale of women, the transfer of widows as inherited property, the exploitation of children, the marking and branding of slaves, and the carrying on of the slave trade.

Supplementary Tax Convention With Canada

Executive B (90th Cong., first sess.)—Resolution of ratification agreed to November 2, 1967

The supplementary convention between the United States and Canada further modifies and supplements the convention and accompanying protocol of March 4, 1942, for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes, as modified by the supplementary conventions of June 12, 1950, and August 8, 1956.

United Nations Charter Amendment

Executive A (90th Cong., first sess.) Resolution of ratification agreed to May 8, 1967.

The Senate unanimously approved an amendment to article 109 of the United Nations Charter, adopted by the General Assembly of the United Nations on December 20, 1965, and set forth in General Assembly Resolution 2101 (XX).

The United Nations Charter amendments approved by the Senate in 1965 increased from 11 to 12 the membership of the Security Council and from seven to nine the number of affirmative votes required for Council decisions. Inadvertently, the United Nations failed to include in its amendments a conforming change in Security Council voting requirements in a provision of article 109, paragraph 1, of the charter. This amendment would correct that oversight by changing the provision to read as follows (the deletion is bracketed; the insertion is in *italic*): "A general conference of the members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-third vote of the members of the General Assembly and by a vote of any [seven] *nine* members of the Security Council. * * *"

When the amendment has been ratified by two-thirds of the members of the United Nations, including the five permanent members of the Security Council, it will come into force.

Astronaut Assistance and Return Agreement

Ex. J. (90-2)—Resolution of ratification agreed to October 8, 1968

This agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched Into Outer Space elaborates and expands certain provisions of the Treaty on Outer Space which entered into force on October 10, 1967.

On December 19, 1966, when the General Assembly commended the Treaty on Outer Space to member governments, and expressed

hope for the widest possible adherence to its provisions, the UN Committee on the Peaceful Uses of Outer Space was requested to continue its work on agreements which would elaborate principles already approved for (1) Liability for damage caused by objects launched into outer space and (2) for assistance to and return of astronauts and space vehicles. The portion of this work relating to the return of astronauts and space vehicles came to fruition with the signing of the agreement by the United States, the United Kingdom, and the U.S.S.R. on April 22, 1968. Over 70 other states have signed the treaty, which will enter into force when five governments, including those listed above have deposited their instruments of ratification.

Organization of American States—Charter Amendments

Executive L (90-1)—Resolution of ratification agreed to April 10, 1968

The protocol to the Charter of the Organization of American States made substantial revisions in the OAS structure and the powers of certain OAS organs to increase its capacity to function more effectively.

Refugees Protocol

Executive K (90-2)—Resolution of ratification agreed to October 4, 1968

This protocol was signed at New York on January 31, 1967. With U.S. accession to the protocol, it is automatically bound to apply articles 2 through 34 of the 1951 Convention Relating to the Status of Refugees to which the United States is not presently a party. One of the basic provisions of that convention (article 33) prohibits the expulsion or return of refugees to territories where their life or freedom would be threatened.

The pending protocol adopts the 1951 convention's definition of refugees as persons who are outside of and are unwilling to return to their respective countries of nationality or habitual residence because of "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." The protocol also incorporates those provisions of the 1951 convention dealing with the freedom of religion for refugees, the right of free access to courts of law, the right to hold gainful employment, to

acquire property, to move freely, and to participate in the benefits of public education, relief, social security, unemployment compensation, and other programs.

Tax Convention With Brazil

Executive J (90-1)—Resolution of ratification agreed to June 6, 1968

This convention with Brazil contains a number of provisions found in many other income tax treaties presently in force in areas other than Latin America. These deal with such matters as the definition of a permanent establishment for tax purposes, taxes on dividends and branch profits, as well as taxes on interest and royalties, and income from real property and from personal services. In addition, the convention covers the tax treatment of teachers, students and trainees, governmental salaries, and pensions and annuities.